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07/939,834 09/02/92 BROWNING

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EXAMINER

TREAT, W

ART UNIT PAPER NUMBER

2315

DATE MAILED: 03/15/95

23M1/0315

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This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 9/2/94 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 (three) month(s), days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-10 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 1-10 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☒ Other See attached.

EXAMINER'S ACTION

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15. Claims 1-10 are presented for examination.

16. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

18. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

19. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the

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obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

20. Claims 1-7 are rejected under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103 as obvious over Wexelblat et al. (Patent No. 5,021,976).

21. Wexelblat taught the invention as claimed including a data processing (DP) system with an apparatus for creating a virtual world database comprising:

- a) receiving means for receiving a pictorial representation of the world (column 4, line 20 through col. 7, line 56); and,
- b) grouping means, coupled to the receiving means for grouping descriptions of pictorial representation into selected groups (col. 4, line 20 through col. 7, line 56).

22. As to claim 2, Wexelblat taught attribute assigning means, coupled to the grouping means, for assigning attributes to the groups, the attribute means including hierarchy means for selecting a hierarchy for the selected groups (col. 4, line 45 through col. 6, line 22).

23. As to claims 3-5, Wexelblat taught attribute assigning means comprises motion constraint, color and texture assigning means (col. 8, line 35 through col. 9, line 60).

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24. As to claim 6, Wexelblat taught data coupling means, coupled to the grouping means, for coupling real world data to the groups (col. 4, line 60 through col. 5, line 6).

25. As to claim 7, it is rejected as failing to teach or define over rejected claims 1-6.

26. Claim 10 is rejected under 35 U.S.C. § 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and/or for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

27. Applicants use of the terms-Sun workstation, Silicon Graphics workstation, and Macintosh Computer-renders applicants' claims indefinite. These devices may vary greatly in their composition in terms of both software and hardware. There is no set definition of these terms. Furthermore, such named devices will, potentially, evolve over time into systems which applicants have never envisioned as components of their system, thereby, affording applicants patent rights to inventions which applicants have not enabled in their specification.

28. Claims 8-10 are rejected under 35 U.S.C. § 103 as being unpatentable over Wexelblat et al. (Patent No. 5,021,976) in view of Richburg (Patent No. 5,159,687).

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29. Wexelblat taught appropriate first and second computers (col. 14, line 64 through col. 15, line 40), appropriate editing means (col. 8, line 35 through col. 11, line 30), and appropriate conversion means col. 14, line 64 through col. 15, line 10).

30. Wexelblat did not teach a means for building a script file to run the appropriate programs. However, Richburg taught that such techniques are prior art (col. 5, line 1 through col. 7, line 2). One of ordinary skill in the DP art would be motivated to combine Richburg's teaching of generating script files to run applications with Wexelblat's virtual reality application to simplify the programming and control of Wexelblat's system.

31. As to claim 9, Wexelblat has already taught the utility of spreading the processing load across two computers (col. 14, line 64 through col. 15, line 40). One of ordinary skill in the data processing art would be motivated to utilize a third computer to, as taught by Wexelblat, spread the processing load thereby enabling the individual processors to perform their assigned tasks more quickly due to reduced load.

32. As to claim 10, Wexelblat and Richburg do not require that their systems be constrained to just certain systems. Therefore, they intend that their teachings would apply to specific system configurations such as applicant has claimed.

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William M. Treat whose telephone number is (703) 305-9699.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.

WMT/hh
March 10, 1995



WILLIAM M. TREAT
PATENT EXAMINER
GROUP 2300